

**Exhibit 8 to Plaintiff's  
Supplemental Opposition to  
Defendant Benton Express, Inc.'s  
Motion for Summary Judgment**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION  
4

5 HAZEL M. ROBY, as Administratrix  
6 of the Estate of RONALD TYRONE ROBY,  
7 deceased,

8 Plaintiff,

ORIGINAL

9 CIVIL ACTION FILE

10 vs.

11 NO. 2:05CV194-T

12 BENTON EXPRESS, INC., et al.,

13 Defendants.  
14

15 VIDEOTAPED DEPOSITION OF  
16 GEORGE WILLIAM JONES  
17

18 September 26, 2005

19 2:22 p.m.  
20

21 1180 West Peachtree Street

22 Suite 900

23 Atlanta, Georgia  
24

25 Lisa Fischer, CCR-B-1277, RPR, CRR

1 A. Yes.

2 Q. Did it involve a tractor-trailer?

3 A. No, sir.

4 Q. Tell me, have you ever had a CDL

5 license?

6 A. No, sir.

7 Q. Do you have a valid driver's license?

8 A. Yes, sir.

9 Q. What's your driver's license number?

10 A. I'd have to look and see.

11 Q. Would you also need to look at

12 something for your Social Security number?

13 A. No. I can tell you that. Which one

14 do you want first?

15 Q. Driver's license would be fine.

16 A. 051704418.

17 Q. And Social Security number?

18 A. 258-84-1707.

19 Q. And have you ever been convicted

20 of -- have you ever been arrested or convicted

21 of a crime?

22 A. Yes.

23 Q. And which one? Arrested --

24 A. Arrested.

25 Q. -- and convicted?

1 A. No, sir.

2 Q. Arrested for what?

3 A. DUI.

4 Q. And have you been arrested on any  
5 other occasion other than DUI?

6 A. No, sir.

7 Q. And when did the DUI occur?

8 A. When I was 18 years old, which was  
9 nineteen -- 18.

10 Q. Any other incidents where you may have  
11 been arrested or convicted of a crime by --

12 A. No, sir.

13 Q. In your time as an operations manager,  
14 have you ever had a driver that was delayed?

15 A. Yes.

16 Q. Do you have any written rules or  
17 policies that apply to your drivers in telling  
18 them how much of a delay before they should  
19 communicate with you or somebody at the  
20 terminal?

21 A. Concerning line haul or city?

22 Q. Yeah, line haul.

23 A. Just if something out of the ordinary  
24 occurs.

25 Q. What's considered "out of the

1 of the policies and procedures, the normal  
2 procedure is to make sure they get that  
3 document?

4 A. Correct.

5 Q. And in that document, it talks about  
6 all drivers should be in regular contact with  
7 dispatch. Does that apply to line haul  
8 drivers?

9 A. The part that you're referring to, no.

10 Q. Let me direct your attention to  
11 Plaintiff's Exhibit 2 and the part I'm talking  
12 about. First, why don't you read for the  
13 ladies and gentlemen of the jury what it says  
14 under "Scope," what this document is about.

15 A. "The following security guidelines and  
16 procedures apply to all work/load assignments.  
17 All drivers and nondriving personnel will be  
18 expected to be knowledgeable of and adhere to  
19 these guidelines and procedures when performing  
20 any load-related activity for Benton Express,  
21 Incorporated."

22 Q. And it says "all drivers," right?

23 A. The following security guidelines --  
24 all work/load assignments, all drivers, and  
25 nondriving personnel.

1 Q. And that would include line haul  
2 drivers?

3 A. Yes.

4 Q. And city drivers?

5 A. Yes.

6 Q. Your understanding, Mr. Craig  
7 Stephens, who we're here about, was a line  
8 haul driver? Craig Stephens, you're familiar  
9 with that name?

10 A. I am. But you made a statement.

11 Q. Is he a line haul driver?

12 A. Yes.

13 Q. And further in this document, it  
14 says -- next-to-last bullet, why don't you read  
15 that for us.

16 A. "Drivers are expected to maintain  
17 regular communications with the company while  
18 in transit. Any incident of drivers failing to  
19 check in when required shall be assumed to be  
20 suspicious and highly irregular. Immediate  
21 action shall be taken in such situations."

22 Q. And from what you just read, doesn't  
23 it say that all drivers are expected to  
24 maintain regular communication with the  
25 company?

1 A. Yes, sir.

2 Q. Do you -- is it your -- in your  
3 experience as an operations or regional  
4 manager, does that apply to all drivers?

5 A. Yes.

6 Q. And what is considered "regular  
7 communication"?

8 A. I don't believe I'm qualified to say  
9 regular communications, what that would be.  
10 I'd be setting a company policy.

11 Q. Anybody ever told you what is  
12 considered regular communication?

13 A. No, sir.

14 Q. Any document ever set out what's  
15 considered regular communication, any other  
16 document that may have gone with this?

17 A. For line haul?

18 Q. Yes.

19 A. No.

20 Q. Now, as it relates to regular  
21 communications, I'll show you what was marked  
22 as Plaintiff's Exhibit 1 to Mr. Weems'  
23 deposition. Can you tell us what kind of  
24 document this is.

25 A. Yes, sir. It's a city trip log.

1 Q. And tell me what it says on the top.

2 Does it say "Benton" on the top?

3 A. Yes, sir, it says "Benton."

4 Q. And on the right-hand corner, it says  
5 driver daily log trip?

6 A. "Driver daily trip log."

7 Q. And under "A," it has some things.  
8 It's telling these drivers of how they should  
9 communicate with the company?

10 A. Yes, sir.

11 Q. And one of them, it says any  
12 unexpected delays, you should notify, be in  
13 touch with them every 15 minutes?

14 A. Correct.

15 Q. And under No. 2, it also said it's  
16 expected to be in regular communications every  
17 hour?

18 A. Actually, it says progress report  
19 every 60 minutes.

20 Q. And that's an hour, right?

21 A. Correct.

22 Q. And is that expected for city drivers?

23 A. Every city driver, yes.

24 Q. Is it expected for line haul drivers?

25 A. No, sir.



1 Q. Line haul drivers do not have -- does  
2 it have anything that governs line haul drivers  
3 and how often they should communicate?

4 A. Not that I'm aware of.

5 Q. Because this document, from what you  
6 told me, applies to city drivers?

7 A. Correct.

8 Q. And it tells how often a city driver  
9 should be -- it gives specific examples of what  
10 regular communication means?

11 A. Yes, sir.

12 Q. Anything other than this document here  
13 that would shed any light on regular  
14 communications as it relates to a line haul  
15 driver?

16 A. None that I'm aware of.

17 Q. Do some of your line haul drivers also  
18 do city work too?

19 A. No, not in Georgia.

20 Q. Do you understand that at some other  
21 places like Pensacola?

22 A. No. I can only speak for Georgia.  
23 I'm sorry.

24 Q. That's right. I'm going to ask you  
25 about what you know. And in answer to me, I

1 can't answer nothing but Georgia, that's fine.

2 Do you know of any Benton Express  
3 drivers that work out of other terminals such  
4 as Pensacola that do line haul driving and city  
5 work?

6 A. I'm not aware of any, no.

7 Q. And I think you told me you're not  
8 aware of anything else that would govern and  
9 tell us what is defined as "regular  
10 communication" other than what we've looked at  
11 in Plaintiff's Exhibit 1?

12 A. Sorry. Could you ask me that one  
13 more time.

14 Q. Yeah. Do you know of any document  
15 that would give us any information concerning  
16 what is considered regular communications?

17 A. No, sir.

18 Q. And it also says, the next bullet is,  
19 "Drivers are expected to fully understand this  
20 procedure and make every effort to maintain  
21 regular contact with dispatch."

22 Have you ever seen that sentence  
23 before?

24 A. Yes.

25 Q. Do you have any idea how line haul

1 drivers -- have any idea how to follow these  
2 procedures on communication, frequency of  
3 communications?

4 A. Do I have?

5 Q. Yes.

6 MR. BROCKWELL: Object to the form. I  
7 think he just asked you if you know  
8 what all your line haul drivers  
9 know. And if you do, please tell  
10 us.

11 THE WITNESS: No, I don't.

12 Q. (By Mr. Boone) What I'm asking you,  
13 you're responsible for your line haul drivers,  
14 right?

15 A. Yes.

16 Q. Do you have any idea how they would  
17 know? This just says drivers are expected to  
18 fully understand this policy and procedure and  
19 make every effort to maintain regular contact  
20 with dispatch.

21 My question to you, as the operations  
22 manager for the region, is: Do you have any  
23 idea how line haul drivers would know what  
24 regular contact with dispatch was?

25 A. No.

1 close to finishing.

2 (Whereupon a recess was taken  
3 from 3:36 p.m. to 3:50 p.m.)

4 Q. (By Mr. Boone) I talked to, and I  
5 believe I'm getting his name right, but  
6 Mr. Weems earlier today. I saw another female  
7 here. Would that have been Sharon Oaks or  
8 somebody else with the company?

9 A. No.

10 Q. Do you know if any other employee with  
11 Benton was here, a female I thought might have  
12 been waiting on some of the guys?

13 A. No.

14 Q. But nevertheless about Mr. Weems, his  
15 understanding and his -- and it will be quick  
16 here. Hopefully what he told me is correct and  
17 you can verify it. But he told me you called  
18 him, put him on standby, and told him you might  
19 need him to go to Pensacola. He didn't know  
20 anything about the details of why you put him  
21 on standby or anything. 45 minutes later you  
22 called him and released him to go ahead and run  
23 his load to Savannah.

24 And what I'm trying to figure out is:  
25 Do you recall anything different or anything

1 else that transpired between you and Mr. Weems?

2 A. No.

3 Q. Would he have been told anything about  
4 specifically why he was on standby?

5 A. No.

6 Q. You just held him on standby?

7 A. Yes.

8 Q. And would it have been mentioned to  
9 him, anything about Craig Stephens specifically  
10 being a driver who was late or delayed and  
11 you-all were looking for him?

12 A. No.

13 Q. Any reason you put Mr. Weems on  
14 standby?

15 A. Yes.

16 Q. What were you considering using him to  
17 do?

18 A. To drive the unit to Pensacola.

19 Q. And that was on Sunday, right?

20 A. Correct.

21 Q. And was that before or after you heard  
22 that Craig Stephens had called in to his  
23 terminal?

24 A. After.

25 Q. That was after you heard that?

1 Q. (By Mr. Boone) Right. You want to be  
2 able to locate your tractors?

3 A. Uh-huh (affirmative).

4 Q. And the goods they're carrying; is  
5 that right?

6 A. Yes.

7 Q. And you want to be able to make sure  
8 your goods get to the customers who hired  
9 you-all to carry them?

10 A. Yes.

11 Q. And not only get to them but get to  
12 them in a timely manner?

13 A. Yes.

14 Q. Do you have any idea of any more  
15 efficient way of tracking you-all's drivers  
16 than what's presently in place at Benton?

17 A. No.

18 Q. Because right now a long haul truck  
19 driver who don't have a cell phone, there's no  
20 way to track him?

21 A. That's correct.

22 Q. Is that correct?

23 MR. BROCKWELL: Some clarity: I think  
24 he said long haul, like l-o-n-g. I  
25 believe the term that's been used

1                   throughout all these depositions is  
2                   "line haul," l-i-n-e.

3                   Q.    (By Mr. Boone)  You was answering the  
4                   question to me using -- the proper phrase  
5                   should have been "line haul," right?

6                   A.   Line haul, right.

7                   Q.    That's how you was answering the  
8                   question --

9                   A.   Yes.

10                  Q.    -- assuming I meant line haul?

11                  A.   Yes.

12                  Q.    And my question was that for line haul  
13                  tractor-trailer drivers, you-all have no way to  
14                  communicate with them if they don't have a cell  
15                  phone?

16                  A.   That's correct.

17                  Q.    Do you have any other more efficient  
18                  way to -- do you know any more efficient way to  
19                  be able to track your drivers and the cargo in  
20                  their tractors if you needed to?

21                  A.   No, sir.

22                  Q.    Do you know anything -- other trucking  
23                  companies that are doing that are more  
24                  efficient at tracking drivers?

25                  A.   No, sir.

1 A. No.

2 Q. Became aware they did that?

3 A. No.

4 Q. Do you have any idea the normal time  
5 it takes for one of your drivers to go from  
6 Atlanta to Pensacola?

7 A. Five to six-and-a-half hours.

8 Q. What kind of things will vary the  
9 length of a route like that? Just say  
10 sometimes it's five to six and a half. I know  
11 that's a simple question; but for laypeople who  
12 may not know, can you tell me some of the  
13 factors that would vary on a route like that,  
14 that you may be able to drive it one time in  
15 five, and six and a half the next time?

16 A. The traffic, fueling, mechanical  
17 situations, weather.

18 Q. And when you meant (sic) "fueling,"  
19 you meant like if you have to stop versus not  
20 stopping?

21 A. Yes, sir.

22 Q. Does the typical truck have enough  
23 fuel in it that they can go from Atlanta to  
24 Pensacola and Pensacola back to Atlanta without  
25 fueling, if it's full?



1 physically inoperable because it may have  
2 broke?

3 A. No, sir.

4 Q. So you don't know specifically  
5 anything about what caused this delay?

6 A. No, sir.

7 Q. Anybody at Benton Express that's told  
8 you about specifically what was going on with  
9 Craig Stephens in his employ that caused this  
10 delay?

11 A. No, sir.

12 Q. So even without knowing whether or not  
13 he was hijacked or ill or some very legitimate  
14 explanation for what occurred, your saying that  
15 you were going to relieve him of duty means you  
16 were going to investigate further on whether or  
17 not you would ultimately terminate him, or does  
18 it mean you were going to terminate him?

19 A. I had been --

20 MR. BROCKWELL: Object to the form.

21 THE WITNESS: I had been  
22 investigating for 24 to 48 hours.

23 Q. (By Mr. Boone) Got you.

24 A. The gentleman would have been  
25 terminated. It would have been up to somebody

1 else to decide whether he would have a job in  
2 the future with Benton Express, because I would  
3 have terminated him.

4 Q. And my question to you is: What  
5 information, other than the fact that you  
6 couldn't locate him, did you discover in this  
7 investigation?

8 A. None.

9 Q. So you don't have a clue what  
10 happened?

11 A. Not a clue, except for my tractor, our  
12 tractor and our trailer and our customer's  
13 product couldn't be found. It was not at the  
14 destination it should have been six and a half,  
15 five hours later.

16 Q. And based on what you were personally  
17 doing in your role at Benton Express, based on  
18 your experience there and obviously the  
19 position you hold, you would have felt the  
20 decision should be termination?

21 A. Yes.

22 Q. And the only thing I'm trying to  
23 do -- and I hate to repeat the question, but a  
24 couple of depositions, every time -- if I asked  
25 a question of was there some more information,